

ARIZONA DEPARTMENT OF AGRICULTURE

SUBSTANTIVE POLICY STATEMENT

**PSD 5.57, Policy For Processing Permits For Live Insects, Plant Pathogens, Beneficials,
Bio-tech and Soil & For EIS Responses, EA Responses & Post Entry Inspections**

A.R.S. § 41-1091(B) Notice

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

Arizona Department of Agriculture
POLICY AND PROCEDURE

**Policy For Processing Permits For
Live Insects, Plant Pathogens, Beneficials,
Bio-tech and Soil & For EIS Responses,
EA Responses & Post Entry Inspections**

SECTION 5.00

CHAPTER A

NUMBER 5.57

EFFECTIVE DATE

22 March 95

DIRECTOR'S SIGNATURE

[Signature]

INTENT: The intent of this policy is to standardize the procedures for processing "Application and Permit To Move Live Plant Pests and Noxious Weeds" "Application And Permit To Move Soil", "Application For Permit Or Courtesy Permit Under 7 CFR 340", Environmental Impact Statements, and Environmental Assessments.

PURPOSE: The purpose of the policy is to outline the procedures to be followed when processing these permits, statements, and responses; to identify the forms to be used by ADA as well as those used by the USDA and others; and to identify the statements to be used in the EIS and EA responses.

I. PPQ FORM 526 (See Attachment A)

- A.** This form is used by applicants wanting to import live insects, (including beneficials), plants, or plant pathogens into Arizona. The IPM Section Manager or his designated representative will review PPQ Form 526 to verify the following:
1. The origin of the insects, plants, or plant pathogens. They may originate in the United States or another country.
 2. The signature on the form is to be that of the applicant. If it is different, return the permit to the applicant and request a new application with the applicant's signature.
 3. Verify that the applicant's phone number is on the application. If there is a problem in the future, having the applicant's phone number could save time in correcting the problem.
 4. All sections of the application are important. If the information is not filled in, contact the applicant and obtain it before proceeding. No organism of economic or biological importance is to be allowed in unless there are enough safeguards indicated in the permit to prevent accidental infestation. Sometimes, the host material accompanying the pest is under quarantine and must be regulated or exchanged for something not under quarantine.

5. The Approximate Date Of Arrival Or Interstate Movement should be far enough in the future to allow for appropriate review of the permit request by both the USDA and ADA. ADA usually requires 30 days from the time the State Agricultural Lab receives the information. If the permit is submitted to the USDA and the ADA simultaneously, the USDA usually completes the permit request within the 30 day period required by ADA.
 6. The Intended Use must conform to any safeguards imposed by the permit review committee.
 7. Methods To Be Used To Prevent Plant Pest Escape and Method of Final Disposition must also be consistent with any safeguards imposed by the permit review committee.
 8. The document must be signed and dated (See I.A.2) to be considered a valid application.
- B. Processing the permit: The IPM Administrative Secretary will do the following:
1. Log the following information from the document in the appropriate log.
 - a. The ADA Number (This is a sequential number beginning with "P", followed by the last two digits of the year (i.e. "94") and ending with three digits ranging from "001" to "999".
 - b. The applicant's name.
 - c. The permit subject (the insect, plant or material being brought in).
 - d. The date the permit request was received.
 - e. The date the permit request was distributed to the permit review committee.
 - f. The date the permit request was returned by the permit review committee.
 - g. The shipping date. It is important that this information be logged in so that, if the responses from the committee are slow in coming, phone calls to the committee can be made to obtain responses before the shipping date.
 - h. The date that ADA's response to the permit request was mailed to the USDA.
 - i. The USDA permit number. (May not be present at the time the State receives the permit application.)
 2. Fill out the "Memorandum" dealing with Permit Review. (See Attachment B) The IPM Administrative Secretary will do the following:

- a. Send the memorandum and copies of the permit application as well as supporting documents to all those who could be affected by the permit or who are interested in the permit. If the permit subject matter pertains to only one of the specialists, send it to that specialist. If the subject matter pertains to another division, send it to that division. Send all permits requesting to move insects, fungi, seed, etc. to SAL.
 - b. Put the ADA # on the appropriate line. There is no need for the USDA # on this form.
 - c. Place the applicant's name and what is to be imported on the appropriate lines.
 - d. Comments and recommendations are to be provided by a specific date far enough in advance so that the permit can be worked up and signed prior to the shipping date.
 - e. The person submitting the recommendations is to sign and date the form.
3. The IPM Section Manager will review the comments and recommendations made by the members of the permit review committee. If there is some confusion, call the member and clarify the issue. Verify that all those who received the memorandum have returned it with their response. Once all of the comments and recommendations have been received, a letter is to be drafted by the IPM Section Manager approving the permit application as is, approving it subject to specific changes recommended by the permit review committee, or denying the application based on a specific concern posed by the permit request. All comments are to go to the Associate Director for review, along with the letter. The Associate Director signs the letters.
- a. The letter referred to in #3 above is to be sent to
Ms. Debra Knott
USDA APHIS PPQ
Biological Assessment & Taxonomic Support
6505 Belcrest Rd.
Federal Building Rm 625
Hyattsville, MD 20782
 - b. A copy of the letter is to be sent by the IPM Administrative Secretary to the applicant.
 - c. The IPM Administrative Secretary will log the date that the letter was sent to the USDA.

4. The Associate Director is to sign the permit. The IPM Administrative Secretary will fill out the permit by putting his title in the "Title" box, putting "AZ" in the "State" box, and putting the date the permit was signed in the "Date" box. If there is a letter with conditions recommended by the permit review committee, the IPM Administrative Secretary will type, "See attached" in the "Conditions Recommended" box. The IPM Section Manager will indicate whether the permit is "Approved", "Not Approved", or "Needs USDA Approval".
5. The IPM Administrative Secretary maintains a file of the permit application, the responses from the permit review committee, and the ADA letter. When the completed permit comes back from the USDA with the permit number and signature, the IPM Administrative Secretary will place it with the application. The IPM Administrative Secretary will notify the reviewers by sending them a copy of the approved application or by updating the database with information on the approved application.

C. Permits to move viruses (PPQ Form 526)

The following is an expedited permit procedure for the interstate movement of endemic plant viruses, that are widespread and established throughout their ecological range in the continental United States, for research under containment in a laboratory and/or greenhouse. The procedure uses a state-by-state list of viruses which have been approved by individual states to move into their state from elsewhere in the continental United States. The listed viruses are not exempt in any manner from regulatory oversight and are still considered plant pests by the State Departments of Agriculture and Plant Protection and Quarantine (PPQ).

This state-by-state list is the result of a cooperative effort between PPQ, Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), and Plant Virology Regulatory Committee, of the American Phytopathological Society. Assembly of the list was accomplished with assistance from plant virologists at land-grant universities, State regulatory officials, and the American Type Culture Collection, Rockville, Maryland.

The following conditions must be satisfied for a plant virus to be eligible for interstate movement under this procedure:

1. A virus, once approved by a given State into which the movement is to be allowed, will be added to the approved virus list for that State. The State-by-state list of approved viruses is maintained by PPQ.

2. The virus will be allowed to move only between States approving receipt of the virus within the continental United States.
3. A virus modified by recombinant DNA techniques and regulated by Title 7 of the United States Code of Federal Regulations, Part 340, is not eligible for such movement.
4. The virus will be studied, maintained, and propagated under containment in a laboratory and/or greenhouse. PPQ provides guidance for appropriate physical and procedural measures for containment. Authorized PPQ and State regulatory officials may inspect these facilities.
5. Field release of the virus is not authorized under this procedure. A separate permit will be required from PPQ for such releases.
6. The virus must be packaged and shipped according to PPQ guidelines.
7. The permit applicant will request approval from the Arizona State Department of Agriculture, via PPQ Form 526, Application and Permit to Move Live Plant Pests and Noxious Weeds, (To receive a virus from another State). The request will not be further evaluated, by the State or PPQ, if the virus is on the list of viruses approved for the State. The permit will be expeditiously signed by the State and PPQ.
8. Viruses listed with this procedure do not require interstate shipping labels.

II. Bio-technology Permits (See Attachment C)

- A. APHIS Form 2000 "Application For Permit Or Courtesy Permit Under 7 CFR 340." The IPM Section Manager will verify the following that:
 1. The signature on the form is that of the applicant. If it is different, return the permit to the applicant and request a new application with the applicant's signature.
 2. The type of permit requested is indicated in the "Permit Requested" box. If not, contact the applicant before proceeding.
 3. The applicant indicated in the "This Request Is" box whether this is a renewal, supplemental, or new permit request.
 4. That the applicant's phone number is on the application. If there is a problem in the future, having the applicant's phone number could save time in correcting the problem.
 5. Information in the area of the permit entitled, "Give The Following" is provided. If the information is not filled in, contact the applicant and obtain it before proceeding. All sections of the application are important. If the information is not filled in, contact the applicant and obtain it before

proceeding. No organism of economic or biological importance is to be allowed in unless there are enough safeguards indicated in the permit to prevent accidental infestation. Sometimes, the host material accompanying the pest is under quarantine and must be regulated or exchanged for something not under quarantine.

6. The Approximate Date Of Arrival Or Interstate Movement should be far enough in the future to allow for appropriate review of the permit request by both the USDA and ADA. ADA usually requires 30 days from the time the State Agricultural Lab receives the information. If the permit is submitted to the USDA and the ADA simultaneously, the USDA usually approves the permit request within the 30 day period required by ADA.
7. The person submitting the recommendations is to sign and date the form.

B. Processing the Bio-tech permit. The IPM Administrative Secretary will:

1. Log the following information from the document in the appropriate log.
 - a. The ADA Number (This is a sequential number beginning with "B", followed by the last two digits of the year (i.e. "94") and ending with three digits ranging from "001" to "999".
 - b. The applicant's name.
 - c. The permit subject (the insect, plant or material being brought in).
 - d. The date the permit request was received.
 - e. The date the permit request was distributed to the permit review committee.
 - f. The date the permit request was returned by the permit review committee.
 - g. The shipping date. It is important that this information be logged so that, if the responses from the committee are slow in coming, phone calls to the committee can be made to speed things up.
 - h. The date that ADA's response to the permit request was mailed to the USDA.
 - i. The USDA permit number may not be present at the time the State receives the permit application.
 - j. The date the final approved permit is received back from the USDA.
 - k. Date the ADA letter is sent to the applicant.

2. The IPM Administrative Secretary will fill out the "Memorandum" dealing with Bio-tech Permit Review. (See Attachment B)

- a. Send the memorandum and copies of the permit application as well as supporting documents to all those who could be affected by the permit or who are interested in the permit. If the permit subject matter pertains to only one of the specialists, send it to that specialist. If the subject matter pertains to another division, send it to that division. Send all bio-tech permits to SAL.

Permits to bring bio-engineered commodities into Arizona are to be sent to the U of A Biotech Committee in Tucson. They meet once a month on the second Tuesday. Send the information to:

Ms. Sarah Palmer
Vice President for Research
Institutional Biosafety Committee
Life Sciences South, 333
Tucson, AZ 85721
(602) 621-3441

She will distribute the information to the committee members who will then meet together on the second Tuesday to discuss the project and make a recommendation. If the permit request is not received in time for their meeting, it will be held for the next meeting. This could result in a delay in the processing of the permit. If the delay means that it will not be processed prior to the shipping date, the permittee is to be advised.

- b. Put the ADA # on the appropriate line. There is no need for the USDA # on this form.
- c. Place the applicant's name and what is to be imported on the appropriate lines.
- d. The Approximate Date Of Arrival Or Interstate Movement should be far enough in the future to allow for appropriate review of the permit request by both the USDA and ADA. ADA usually requires 30 days from the time the State Agricultural Lab receives the information. If the permit is submitted to the USDA and the ADA simultaneously, the USDA usually approves the permit request within the 30 day period required by ADA.
- e. The person submitting the recommendations is to sign and date the form.

3. The IPM Section Manager will review the comments and recommendations made by the members of the permit review committee. If there is some confusion, he will call the member and clarify the issue. Verify that all those who received the memorandum have returned it with their response. Once all of the comments and recommendations have been identified, a letter is to be drafted by the IPM Section Manager approving the permit application as is, approving it subject to specific changes recommended by the permit review committee member, or denying the application based on a specific concern posed by the permit request. The Associate Director signs the letters.

a. The letter referred to in #3 above is to be sent to
Ms. E. Diane Hatmaker
Chief, Permits Branch
Biotechnology Permits
Biotechnology
Biologics and Environmental Protection
USDA APHIS
Federal Building
Hyattsville, MD 20782

b. A copy of the letter is to be sent to the applicant.

c. The IPM Administrative Secretary will log the date that the letter was sent to the USDA.

4. The IPM Administrative Secretary will maintain a file of the permit application, the responses from the permit review committee, and the ADA letter. When the completed permit comes back from the USDA with the permit number and signature, place it with the application. Notify the reviewers by sending them a copy of the approved application or by updating the database with information on the approved application.

C. Another type of notification is received from Ms. Hatmaker (See attachment D). This notification states that the request meets the eligibility criteria and performance standards for notification under 7 CFR 340.3 (c). This basically means that the material has been field tested in Arizona before, there have been no problems associated with the field tests, and only specific plants are involved. At the bottom of the notification is a section for the Associate Director to sign. Unless there is some problem with the field test, indicate that the "State concurs" and type the Associate Director's name in as the name of state official. Type in the date and the state. The Associate Director must sign this document.

1. Processing the Bio-tech permit. The IPM Administrative Secretary will:
 - a. Log the following information from the document in the appropriate log:
 - i. The ADA Number (This is a sequential number beginning with "B", followed by the last two digits of the year (i.e. "94") and ending with three digits ranging from "001" to "999".
 - ii. The applicants name.
 - iii. The permit subject (the insect, plant or material being brought in).
 - iv. The date the permit request was received.
 - v. The date the permit request was distributed to the permit review committee.
 - vi. The date the permit request was returned by the permit review committee.
 - vii. The shipping date. It is important that this information be logged in so that, if the responses from the committee are slow in coming in, phone calls to the committee can be made to speed things up.
 - viii. The date that ADA's response to the permit request was mailed to the USDA.
 - ix. The USDA permit number.
 - x. The date the final approved permit is received back from the USDA.
2. Maintain a file of the permit application, the responses from the permit review committee, and the ADA letter. When the completed permit comes back from the USDA with the permit number and signature, place it with the application. Notify the reviewers by sending them a copy of the approved application or by updating the database with information on the approved application.

III. Environmental Impact Statements and Environmental Assessments

- A. There is no form associated with this type of document. Usually, a packet of information is sent to ADA detailing the problem being addressed by the EIS and giving several alternatives with their pros and cons. These EIS' are also announced in the Federal Register.
- B. Statements covering ADA's concerns have been developed. These are available on disc but are reprinted here also (See Attachments E through N).

- C. The IPM Section Manager, after reviewing the EIS, will select and modify one of the statements (Attachments E through N) which will accurately reflect ADA's position on the matter.
 - 1. EIS' which deal with riparian issues are to be brought to the attention of the Deputy Director for comment before going to the Associate Director for signature.
 - 2. Prepare ADA's response on letterhead and obtain the Associate Director's signature.
- D. In the EIS information and material sent to ADA there is the name and address of the person to whom the IPM Administrative Secretary should send ADA's response.
- E. The IPM Administrative Secretary is to maintain a file of the EIS with ADA's response. When the final EIS comes out, it should be combined with the existing file.

IV. Application And Permit To Move Soil (PPQ Form 525 See Attachment O). There are two main reasons for moving soil. One is soil analysis and the other is as a growth medium.

- A. Soil for analysis
 - 1. The applicant will obtain the application from USDA or ADA and send the completed application to the USDA in Maryland.
 - 2. The USDA in Maryland will process the application and send it to the USDA in Phoenix.
 - 3. The State Agricultural Lab will conduct an inspection of the facility with the USDA and the district office in whose district the facility is located. The USDA and the SAL person or designated representative) will sign off on the compliance agreement [usually provided by the USDA (See Attachment P)] and the permit itself. This is the only permit that does not need to be signed by the PSD Associate Director. SAL and PSD keep copies of the agreement.
 - 4. The permit is then finalized and the applicant obtains his copy.
- B. Logging instructions:
 - 1. The IPM Administrative Secretary will log the Soil Permit for soil to be analyzed:
 - a. Log the following information from the document in the appropriate log.
 - i. The ADA Number (This is a sequential number beginning with "P", followed by the last two digits of the year (i.e. "94") and ending with three digits ranging from "001" to "999".
 - ii. The applicant's name.

- iii. The permit subject- Soil
 - iv. The date the permit request was received.
 - v. The USDA permit number.
 - ix. The date the final approved permit is received.
 - b. Maintain a file of the permit application.
 - c. There is no need for a letter advising the applicant that his application has been approved or not since this information will be available when the USDA and SAL (or designated representative) sign the compliance agreement and permit.
- C. Processing the Soil Permit for soil to be used as growth medium: The IPM Section Manager will verify the following:
 - 1. The signature on the form is to be that of the applicant. If it is different, return the permit to the applicant and request a new application with the applicant's signature.
 - 2. Verify that the applicant's phone number is on the application. If there is a problem in the future, having the applicant's phone number could save time in correcting the problem.
 - 3. The application is to be filled in completely. If the information is not filled in, contact the applicant and obtain it before proceeding.
 - 4. All sections of the application are important. If the information is not filled in, contact the applicant and obtain it before proceeding. No organism of economic or biological importance is to be allowed in unless there are enough safeguards indicated in the permit to prevent accidental infestation. Sometimes, the host material accompanying the pest is under quarantine and must be regulated or exchanged for something not under quarantine.
 - 5. Methods To Be Used To Prevent Plant Pest Escape and Method of Final Disposition must also be consistent with any safeguards imposed by the permit review committee.
 - 6. The document must be signed and dated (See I.A.2) to be considered a valid application.
 - a. The IPM Administrative Secretary will log the following information from the document in the appropriate log.
 - i. The ADA Number (This is a sequential number beginning with "P", followed by the last two digits of the year (i.e. "94") and ending with three digits ranging from "001" to "999".
 - ii. The applicant's name.
 - iii. The permit subject- Soil
 - iv. The date the permit request was received.

- v. The date the permit request was distributed to the permit review committee.
- vi. The date the permit request was returned by the permit review committee.
- vii. The shipping date. It is important that this information be logged in so that, if the responses from the committee are slow in coming in, phone calls to the committee can be made to speed things up.
- viii. The USDA permit number. This number may not be present at the time the State receives the permit application.
- ix. The date the final approved permit is received back from the USDA.
- b. The IPM Administrative Secretary will fill out the "Memorandum" dealing with PPQ Permit Review.
 - i. Send the memorandum and copies of the permit application as well as supporting documents to the State Agricultural Lab and other interested persons.
 - ii. Put the ADA # on the appropriate line. There is no need for the USDA # on this form.
 - iii. Place the applicant's name and what is to be imported on the appropriate lines.
- c. The IPM Administrative Secretary will maintain a file of the permit application, the responses from the permit review committee, and the ADA letter. When the completed permit comes back from the USDA with the permit number and signature, place it with the application. Notify the reviewers by sending them a copy of the approved application or by updating the database with information on the approved application.
- d. The IPM Section Manager will review the comments and recommendations made by the members of the permit review committee. If there is some confusion, he will call the member and clarify the issue. Verify that all those who received the memorandum have returned it with their response. Once all of the comments and recommendations have been identified, a letter is to be drafted approving the permit application as is, approving it subject to specific changes recommended by the permit review committee member, or denying the application based on a specific concern posed by the permit request.

All comments are to go to the Associate Director for review, along with the letter. The Associate Director signs the letters.

- e. The letter referred to in #3 above is to be sent to
Ms. Debra Knott
USDA APHIS PPQ

Biological Assessment & Taxonomic Support
6505 Belcrest Rd.
Federal Building Rm 625
Hyattsville, MD 20782

- i. A copy of the letter is to be sent by the IPM Administrative Secretary to the applicant.
 - ii. The IPM Administrative Secretary will log the date that the letter was sent to the USDA.
 - iii. The IPM Section Manager will indicate whether the permit is "Approved", "Not Approved", or "Needs USDA Approval".
- f. The Associate Director is to sign the permit. The IPM Administrative Secretary will fill out the permit by putting his title and "AZ" in the appropriate section, and putting the date the permit was signed in the appropriate section. If there is a letter with conditions recommended by the permit review committee, the IPM Administrative Secretary will type, "See attached" in the appropriate section. Indicate the "Status" recommended by ADA in the appropriate section.
- g. The IPM Administrative Secretary will maintain a file of the permit application, the responses from the permit review committee, and the ADA letter responding to the applicant. When the completed permit comes back from the USDA with the permit number and signature, place it with the application.

V. PPQ Form 587 (See Attachment Q)

- A. This form is used by applicants who are importing plants or plant products which will require post entry inspection.
 - 1. The applicant will send the PPQ Form 587 to the USDA in Maryland. If there are plants coming into Arizona, the USDA will send "Post Entry" Form PPQ 546 to the applicant who will sign and send to ADA.

2. If ADA approves the importation of the plants and/or plant products and the destination site, ADA will sign the PPQ Form 546 and send it to the USDA in Maryland.
 3. The USDA will notify ADA on PPQ Form 236 when the plants and/or plant material are on the way to Arizona.
- B. Inspection procedures:
1. When the plants and/or plant material arrive in the United States, the Central Phoenix Office will be sent copies 3,4, and 5 of PPQ Form 236.
 2. An ADA district inspector inspects the plants and/or plant parts and records the inspection data.
 3. The Central Phoenix Office recommends that the plants and/or plant products be either released or not.
 4. USDA reviews the recommendations and either concurs or not.
 5. If it is agreed by both the ADA and USDA that the plants and/or plant products be released, they are released from further post entry inspection.
 6. If there is disagreement as to whether or not they should be released, then ADA and USDA would discuss their differences and come to some mutual agreement. The plants and/or plant material would then be handled according to the agreement.
 7. If it is agreed by both the ADA and USDA that the plants and/or plant products are not to be released, they would be destroyed, treated, or returned out of state according to the ADA and USDA decision.

GENERIC AQUACULTURE STATEMENT

The Arizona Department of Agriculture (ADA) believes that this project could impact a growing agricultural component in this state--aquaculture operations. For this reason, although ADA considers the proposal/project to be worthwhile, we think it is important that you are fully aware of all the facts of the matter. The proposal/project could well eventually impact certain Arizona aquaculture facilities, which in general are struggling to become economically viable.

The aquaculture industry has just discovered that Arizona has great potential for fostering economically significant operations due primarily to a varied climate suitable for both warm and cold water species including trout and tilapia. To a lesser extent, easily accessible geothermally heated water is another advantage, one that allows operators to grow warm water species in otherwise cold water zones and which may in certain cases lower operating expenses. There is also a potential--which needs to be fostered--for integrating fish production with plant crop production.

ADA, as the primary aquaculture regulatory agency, considers in its licensing process the economics of a proposed or currently operating facility. It tries to encourage the growth of the commodity while at the same time accounting for all of the potential dangers in the introduction of non-native fish to specific locations. Basically, the Department makes a risk assessment, weighing the potential benefits against the potential risk. It is ADA that makes the licensing decision, hence its interest in this project/proposal and its desire to make sure all pertinent facts are considered. ADA works closely with the Arizona Game and Fish Department (AGF), which is responsible for protecting native aquatic populations, when making a licensing decision. AGF--with its scientific expertise--provides technical opinions in such matters as transmission of diseases and damage to ecosystems of native fish, and destruction of native populations through predation by or crossbreeding with the introduced species.

Exotic Pest EIS Policy Statement

From 1912 to 1991, the Arizona Commission of Agriculture and Horticulture had the responsibility of protecting the State of Arizona from the entry of unwanted exotic pests that threaten multiple-use lands in this state. From January, 1991 to the present time, the newly formed Arizona Department of Agriculture (ADA) has assumed this responsibility. ADA is committed to full cooperation with APHIS and the Forest Service in the early detection of exotic pests through extensive trapping and survey programs. ADA's current cooperative gypsy moth program with USDA-APHIS has a budget of \$62,000.

Infestations of serious pests impact issues that include public health, tourism, urban communities, recreational areas, farming, ranching and ornamental landscaping. ADA statutes, rules and quarantines facilitate the state's efforts to maintain a pest-free status. The development of action plans which incorporate integrated pest management systems to prevent introduction and establishment of exotic pests is an integral part of ADA's role in pest prevention.

ADA supports the effort of APHIS and the U.S. Forest Service to develop new programs to manage the gypsy moth to prevent its natural as well as artificial spread to uninfested areas, which include Arizona. ADA also feels that emphasis should be placed on finding natural predators and parasites from the native range of the gypsy moth and using them to control existing infestations of this exotic pest. ADA encourages the continued efforts of both agencies in their public education programs

IPM POLICY STATEMENT
FOR EIS REVIEWS
-BENEFICIAL RELEASES/BIOTECH-

The Arizona Department of Agriculture has a commitment to ensure the public has a abundant supply of quality food & fiber products while maintaining a healthy environment. To achieve our goals, the department enthusiastically supports the concept of Integrated Pest Management (IPM) techniques and viable pest management strategies aimed at reducing chemical pesticides used to control economically significant crop pests.

The backbone of our IPM approach to control pest populations is the network of Agricultural Inspection Stations. These pre-entry inspection ports have a well documented track record of preventing accidental introduction of pests detrimental to Arizona, thereby eliminating the need for chemical insecticides.

Our department is equally proud of our commitment to foster research in the arena of biological control. Scientists researching beneficial organisms and genetically improved plant material recognize that Arizona has an ideal climate to monitor the progress of their research. Each year we receive several dozen applications to import candidate species for natural control of pest organisms and genetically engineered plants designed to resist insect attack.

Working in concert with the United States Department of Agriculture (USDA), these applications are reviewed by our department for their technical merits and quarantine requirements to assure the public appropriate safe guards are being employed and the proposed organism would not otherwise threaten the state. With some modifications, virtually all of these permit requests are approved.

The Arizona Department of Agriculture (ADA) believes that this project could impact one of the major economic agricultural components in this state--livestock operations. For this reason, although ADA considers the proposal/project to be worthwhile, we think it is important that you be fully aware of all the facts of the matter. The proposal/project could well contribute to the growing negativism about Arizona agriculture, more specifically, livestock production.

OVERGRAZING

Contrary to popular opinion, livestock grazing on public land is not causing the ecological condition of these lands to deteriorate. There is no question but what around the turn of the century public lands were severely abused due to poor range management practices. That has long since changed. Eighty-eight percent of USFS and 79 percent of BLM lands are either improving or stable in ecological condition. Traditionally, the BLM and USFS have described ecological status in terms of four or five range conditions--excellent through very poor. These classifications reflect comparisons between a site's existing vegetation and what it could potentially support if natural plant succession had progressed unimpeded through time. Thus, "excellent" means existing vegetation resembles its natural potential, and "poor" means that existing vegetation is not like it was originally. Traditional range condition ratings do not describe successful or unsuccessful management practices, and some have concluded erroneously that "fair" or "poor" relates to current management practices needing change. For example, multiple uses are best provided when vegetation is different from its original variety. Deer forage is best when shrubs/forbs rather than perennial grasses are abundant. But if such a site's natural potential was abundant perennial grasses, it might be rated "fair" or "poor." This misinterpretation of range condition ratings has caused the BLM and USFS to change their ratings so there is less subjective bias.

GRAZING FEES

The public perception that cattlegrowers are subsidized by low grazing fees on public land is a misconception. Although grazing fees in the private sector may be higher, the difference is much less than is commonly perceived, and there are great differences in the quality and freedom of use between public and private land. This proposal would only serve to exacerbate the situation.

It is true that the BLM and USFS receive less from grazing fees than it costs to administer the land. For example, in 1988 the USFS spent \$19 million administering its livestock grazing program while receiving \$8.7 million in grazing fees: the net difference was \$10.3 million. But nearly all other users of public lands--recreationalists--are subsidized totally. In 1988 it cost the USFS \$136 million to administer its wildlife and fish habitat management and recreation programs, thus subsidizing campers, hikers, photographers, birdwatchers, hunters, fishermen white water rafters and others.

That ranchers leasing private lands usually pay more per AUM than on public lands (\$7.43 vs \$1.86 according to one study) is true, but this is not necessarily an economic advantage for several reasons. Studies have shown that federal permittees incur greater operating expenses for items such as transportation and herd management. According to a 1982 Idaho survey, total non-fee costs averaged over \$14 on public lands compared to over \$7 on private lands. A second reason why there is no economical advantage is that public land permittees incur extra costs when they acquire the properties. Examples are the increased cost of private land just because it came with a grazing lease, and the costs of making improvements such a developing watering facilities, fencing and roads. One thing that devalues public land grazing leases, but is not normally considered, is that on private land the lessee has total control, while on public land he has to contend with the public and its penchant for leaving gates open and stealing cattle.

COMPETITION WITH BIG GAME

Livestock grazing on public land is not causing big game populations to decline--they are increasing in numbers, often significantly. (Which, incidentally, also devalues the worth of a federal lease.) In an 11-year period from 1977 to 1978, the total big game population (barbary sheep, bear, bighorn sheep, bison, caribou, deer, elk, javelina, moose, mountain goat, pronghorn antelope) grew from 1.5 to 1.9 million (31%) on BLM land. Deer increased 25% and elk 38%, for example. On USFS land (of which 32% is suitable for livestock grazing) from 1977 to 1984 (most recent statistics) the big game population grew from 2.5 to 2.6 million. Examples include a 16% increase in pronghorns, a 1% increase in deer, and an 8% increase in elk. All of this growth has taken place despite increased hunting pressure.

Attachment L

MULTIPLE-USE

The Arizona Department of Agriculture -ADA- was created by law on January 1, 1991. It is the amalgamation of several existing, long standing agricultural agencies: The Arizona Livestock Board(1912), The Commission of Agriculture and Horticulture(1912), The State Dairy Commission(1918), The State Egg Inspection Board(1941) and The State Agriculture Lab(1980). Being that Arizona is less than 18 percent privately owned, the Arizona Department of Agriculture preforms much of its responsibility on public land, whether it is inspecting range cattle for health and brands or protecting native plants. We continue to believe strongly that the multiple-use concept of public land use is the best approach for the state, its citizens and the country. Although the ADA does not directly control any public land, we work cooperatively with the Arizona Land Department, Bureau of Land Management, Forest Service and various Indian Tribes that do. The multiple-use of our state and national land provides the greatest benefit to the majority of the public. With the wise use of current, sustainable agricultural practices, multiple-use of public lands can continue to be beneficial to users and consumers indefinitely.

ARIZONA NATIVE PLANT LAW

The law was established in 1929 to protect wild-growing native plants. Even then, when the human population of Phoenix and Tucson was less than 50,000, there was concern about monitoring and controlling the demand for the comparatively rare and unusual plants of Arizona. The law has been amended several times since 1929 to alter permit fees, the list of protected species, and the penalties imposed.

Because of Arizona's increasing population and the cost of supplying water to the desert cities, drought-tolerant native plants are in greater demand for landscaping purposes, and there has been increased public concern about increasing the number of plants salvaged from development projects. Consequently, a completely new law was drafted by the State Legislature in 1988, and it became law in January 1990. A coalition of groups, including the Department of Agriculture, worked together to suggest revisions to the old statute.

During the 39th Legislative Session, the governor signed Senate Bill 1086, creating a new Native Plant Law. The Native Plant Program was designed to perpetuate that unique aspect of the visual environment which is enjoyed by Arizona residents and by the many tourists who visit our state by protecting these plants from theft and vandalism. With the high demand for native plants for landscaping and private collections and without a system to enforce their legal removal and transportation, they would be in jeopardy of extinction.

The same legislature also established the ADA--along with this event the Native Plant Law Program was restructured. A manager was designated to plan, organize and administer the program. Additional responsibilities that were assigned were to develop and prepare plant protection programs to fit the needs of the consumer, industries, and the general public affected by the Native Plant Law.

To regulate the collection of protected plants, ADA, with its 12 district offices, enforces the Native Plant Law through investigation, legal action against violators, public awareness programs, enforcement training for other agencies, and issuance of permits. Citizens are now beginning to recognize that the accelerating destruction of riparian habitats and the extinction of plant species are eliminating important opportunities for future biological research and the causing depletion of our natural resources.

One of ADA's goals is to develop working relationships throughout the state to assist in accomplishing the Native Plant Program's mission:

To protect and conserve Arizona's native plant resources through education and an active enforcement program so that present and future generations may enjoy and appreciate Arizona's desert flora.

The enactment of the Arizona Native Plant Law has provided an opportunity for ADA to encourage and incorporate other agencies in the enforcement of the law.

Arizona has a great number of plants that cannot be found in other states. The southwest desert has developed plants that are unique and rare. Their blossom colors are astounding and they have a wide range of variations within the same species.

It is the Arizona Native Plant Law that protects these most sought after plants. The law also protects those people involved in the movement of these plants. The law requires that a person must have a permit issued by the State to be in possession of any protected native plant taken from the original growing site in this state. Moreover, it is unlawful to destroy, dig up or mutilate any protected native plant.

The Director has appointed a Technical Advisory Board to annually review the numbers of native plants harvested and salvaged in order to assess whether plant species, communities or populations are being depleted.

The Department has the responsibility to conserve protected native plants and to encourage all methods and procedures necessary to bring the plants to the point where they are no longer in need of federal protection. These methods and procedures include all activities associated with natural resource management such as research, law enforcement, habitat protection and maintenance, propagation and transplantation.

The Department may conduct research of the status of all species of native plants in order to develop information relative to population distribution, habitat needs and other biological data to determine requirements necessary for their conservation and survival.

If such plants are vulnerable to depletion from collection or harvest, the Department will collect statistical information and conduct investigations to determine what harvests are sustainable without depleting the plants or destroying significant habitat.

For the future, ADA looks forward to conducting research surveys and developing educational programs for the public as well as law enforcement agencies.

ANTIQUITIES ACT

The record of the past cultural heritage is one of Arizona's richest legacies. The prehistoric culture is fascinating to everyone in the nation. Unfortunately, the remains of the prehistoric Arizonans are victims of the ever increasing vandals and looting for commercial or personal gain.

Material evidence of past human behavior is found in many areas in Arizona. This includes ruins, burial grounds and pictograph sites, none of which can be renewed, and when destroyed, are gone forever. This law is directed to help preserve such sites.

ADA has the responsibility to assist in the enforcement of the Antiquities Act and to protect and preserve evidence of Arizona's culture.

The Department monitors known archaeological sites and works closely with other agencies to reduce the threat of losing them.

GROUNDWATER

Historically water quantity and quality have been major concerns in Arizona. Because groundwater is the principle source of drinking water for the state, conservation and protection of this resource are major issues of public interest. Agriculture is a vital part of the state's economy, and requires access to a dependable supply of high quality groundwater. Due to the importance of groundwater to the state, all Arizona aquifers have been classified for drinking water use to establish standards for their protection. The following are the primary goals for Arizona's efforts to protect groundwater:

1. To protect public health.
2. To preserve, enhance and protect the quality of the waters of the state.
3. To prevent, minimize, mitigate and remediate contamination of aquifers.
4. To control and reduce groundwater overdraft and associated land subsidence to the maximum extent feasible.
5. To manage the state's water resources through allocation, conservation and augmentation to guarantee that a dependable supply of water will be available.
6. To promote and protect Arizona's rights and interests in interstate and federal actions relating to water issues.

Arizona's legislature has mandated the protection of the state's groundwater by the enactment of the Groundwater Management Act in 1980 and the Environmental Quality Act in 1986. These statutes were intended to facilitate the state's efforts to attain the goals listed above.

The two major components of the Groundwater Management Act are first, to reduce the severe overdraft of groundwater and second, to fairly and effectively allocate Arizona's limited groundwater resources. The ultimate aim of the Groundwater Management Act is for the state to achieve safe yield pumping levels of its groundwater within 45 years of passage of the act.

The Environmental Quality Act was promulgated to complement the Groundwater Management Act by strengthening state programs that protect groundwater quality. Under the Environmental Quality Act, the Arizona Department of Agriculture is to work in a cooperative manner with the Department of Environmental Quality and the Department of Health Services to protect groundwater from contamination. Programs implemented under this act should be consistent with those administered by the Department of Water Resources concerning issues impacting the quantity of groundwater available within the state.